

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 29, 1998

DIVISION ONE

B122471 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Felicia H.

The order appealed from is affirmed.

Ortega, Acting P.J.

We concur: Masterson, J.
 Dunn, J. (Assigned)

B114032 People (Not for Publication)
 v.
 Collins

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Dunn, J. (Assigned)

October 29, 1998-Continued

DIVISION ONE (Continued)

B117924 People (Not for Publication)
v.
Juan G.

The judgment is reversed. The matter is remanded for the trial court to enter a new judgment finding the allegations of the petition not true and dismissing the petition.

Ortega, J.

We concur: Spencer, P.J.
 Masterson, J.

B096958 United Commercial Corporation (Not for Publication)
v.
Kaufman

The judgment is affirmed. Each party is to bear its own costs.

Ortega, J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

B116028 People (Not for Publication)
v.
Ortiz

The matter is remanded for the trial court to assess the fine required by Penal Code section 1202.45 and to amend the abstract of judgment to reflect that fine and the Penal Code section 1202.4, subdivision (b) fine in the amount of \$200 assessed by the trial court. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B121988 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Paulette P.

The orders appealed from are affirmed.

Ortega, J.

We concur: Spencer, P.J.
 Masterson, J.

B114274 Mark K.
 v.
 Roman Catholic Archbishop of Los Angeles

Filed order modifying opinion. Petition for rehearing is denied. The opinion filed October 2, 1998, is certified for publication. (No change in the judgment)

B116700 People (Not for Publication)
 v.
 Smith

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
 Ortega, J.

October 29, 1998-Continued

DIVISION ONE (Continued)

B124980 Denise H. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

B118198 People (Not for Publication)
v.
Quevedo

The judgment is affirmed. The trial court is directed to strike the three-year enhancement term for count 5 and impose in its place a one-year enhancement term pursuant to Penal Code section 12022, subdivision (b), and strike the eight-month weapon use enhancement terms for counts 2 and 6. The matter is remanded for a hearing to determine the award of presentence credit.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.
Dunn, J. (Assigned)

DIVISION ONE (Continued)

B124075 Paramount Pictures Corp., et al. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Glamour Models, Inc. et al., r.p.i.)

Therefore, let a peremptory writ issue, commanding respondent superior court to vacate its order of July 17, 1998, overruling petitioners' demurrers to the amended complaint and denying petitioners' special motion to dismiss, and to consider the demurrers and the motion to dismiss on the merits, in Los Angeles Superior Court case No. BC181902, entitled Glamour Models, Inc., et al. v. Paramount Pictures Corporation, et al. All parties shall bear their own costs.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Dunn, J. (Assigned)

DIVISION TWO

B110711 Quan, et al. (Certified for Publication)
 v.
 Truck Insurance Exchange

The judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

B119072 McGrath & Wilson (Not for Publication)
 v.
 Allstatte Insurance Company

The judgment is affirmed.

Nott, J.

We concur: Fukuto, Acting P.J.
 Zebrowski, J.

B119752 People (Not for Publication)
 v.
 Aldridge

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

B114984 People (Not for Publication)
 v.
 Cantu

The judgment is affirmed.

Zebrowski, J.

We concur: Fukuto, Acting P.J.
 Nott, J.

October 29, 1998-Continued

DIVISION TWO (Continued)

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The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Zebrowski, J.

B120232 People (Not for Publication)
v.
London

The judgment is affirmed.

Boren, P.J.

We concur: Fukuto, J.
Zebrowski, J.

October 29, 1998-Continued

DIVISION TWO (Continued)

October 29, 1998

102943-98

THE HONORABLE ROBERT M. MALLANO, Judge of Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Two , as a Justice thereof, on the following dates:

November 1 1998, to January 31, 1999

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: October 26, 1998

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION THREE

B114846 People (Not for Publication)

v.

Bragg

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B116367 Aamazing Technologies Corp. (Not for Publication)
 v.
 Michael K. Zweig, et al.

The judgment is affirmed. Sacks & Zweig to recover costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B115359 People (Certified for Partial Publication)
 v.
 Thomas

The judgment is affirmed. The matter is remanded to the trial court for it to exercise its discretion in sentencing Thomas on the three section 12022, subdivision (a)(1) true findings and in determining whether one or more of counts II, III and V shall run consecutively or concurrently, and to state for the record its reason for each such determination. Upon conclusion of proceedings in the trial court consistent with the views expressed in this opinion, the superior court clerk shall prepare an amended abstract of judgment, including therein the correct number of days of local credits, and forward it to the Department of Corrections.

Goodman, J. (Assigned)

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

B113095 People
 v.
 Macias

Filed order denying petition for rehearing.

DIVISION FOUR (Continued)

B101206 Gulf Insurance Company (Not for Publication)
 v.
 U.S. Fire Insurance Company

The judgment is affirmed. Respondent is to have its costs of suit.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B122095 The Lincoln Electric Company (Not for Publication)
 v.
 Superior Court of Los Angeles County
 Westside Associates, Ltd.

The petition for writ of mandate is granted. The trial court is directed to vacate its order of April 6, 1998, and May 4, 1998 and to enter a new order denying Westside's discovery of the identity of experts consulted by Lincoln, their tests, investigations, and reports, until Lincoln designates expert witnesses pursuant to Code of Civil Procedure section 2034 or Westside makes a sufficient showing of good cause consistent with the views expressed in this opinion. Petitioner to have its costs.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Cooper (F.M.), J. (Assigned)

B118002 Ziello, an individual, and Smith (Not for Publication)
 v.
 Welsh

The order of dismissal is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

DIVISION FOUR (Continued)

B124117 Maria M. (Not for Publication)
v.
S.C.L.A.
D.C.F.S.

The petition for extraordinary writ is denied. This decision shall become final as to this court immediately upon its filing.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

[illegible]

The Court:

The judgment is affirmed.

Epstein, Acting P.J., Hastings, J., Curry, J.

B112806 People (Not for Publication)
v.
O'Neal

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B114837 People (Not for Publication)
v.
Lopez

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B116192 People (Not for Publication)
v.
Samuel

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Curry, J.

October 29, 1998-Continued

DIVISION FOUR (Continued)

B116804 People (Not for Publication)
v.
Acevedo & Aguilar

The Court:

The judgments are affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

DIVISION FIVE

B117361 People (Not for Publication)
v.
Scott David Benscoter

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B110122	People v. Lac Vinh Du, et al.	(Not for Publication)
B120896	In Re Lac Vinh Du on Habeas Corpus	

The petition is denied. The enhancements imposed on Tuong in counts 3 and 4 are stricken, and the judgment is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION SEVEN

[illegible]

The sentence is vacated and the matter is remanded for resentencing before a judge other than Judge Charles D. Sheldon and in all other respects the judgment is affirmed.

Lillie, P.J.

I concur: Johnson, J.
I dissent: Neal, J.(Opinion)